

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	ORDER OF SUSPENSION
)	(BREACH OF CONTRACT)
Certificate of Kimberly B. Howard)	
)	
Certificate 209579)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on April 12, 2005. On March 2, 2005, the Office of Teacher Certification sent Kimberly B. Howard a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate by certified mail, return receipt requested, delivery restricted to addressee. Ms. Howard received the notice, as evidenced by the signed postal receipt bearing her signature. Ms. Howard did not request a hearing during the period specified by the notice letter. After considering the evidence presented, the State Board voted to suspend Ms. Howard's certificate for one year.

FINDINGS OF FACT

Ms. Howard holds a valid South Carolina educator's certificate with the 2004-2005 school year being her first year of teaching. Ms. Howard was under contract for the 2004-2005 school year with the Greenville County School District (District). On January 19, 2005, Ms. Howard notified her principal at Chandler Creek Elementary that she intended to resign from her position, effective January 28, 2005. By letter dated February 1, 2005, the District Superintendent wrote to Ms. Howard advising her that she would not be released from her contract because her resignation did not meet District guidelines. On February 22, 2005, the District Board of Trustees voted to request that the State Board suspend Ms. Howard's certificate.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. §§ 59-25-150 and 160 (2004). Breach of contract is deemed to be unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is sufficient evidence supporting its conclusion that Ms. Howard breached her contract with the Greenville County School District, warranting the suspension of Ms. Howard's certificate 209579 for a period of one year, from April 12, 2005, through April 11, 2006. Should Ms. Howard wish to have her certificate reinstated at the end of the suspension period, she may make a written request for reinstatement to the Office of Teacher Certification.

South Carolina State Board of Education

By: /S/ Paul M. Forrester

Paul M. Forrester, Chair

Columbia, South Carolina

April 12, 2005